

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

SEAN WILSON, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

PLAYTIKA, LTD., an Israeli limited
company, and
CEASARS INTERACTIVE
ENTERTAINMENT, LLC, a Delaware
limited liability company,

Defendants.

No. 3:18-cv-05277-RBL

JOINT STATUS REPORT

Pursuant to Dkt. 85, the Parties submit the following Status Report:

1. On April 26, 2019, the Court granted Defendant Playtika Ltd.'s Motion for Certification Pursuant to 28 U.S.C. § 1292(b) and for a Stay Pending Appeal. *See* Dkt. 85.

2. The Order (i) "permitted [Playtika] to seek an interlocutory appeal of this Court's Order Denying Playtika's Motion to Dismiss" and (ii) ordered that:

"All proceedings in this case are hereby STAYED pending resolution of the appeals in the following related cases:

- 1 • *Benson v. Double Down Interactive, LLC*, No. 2:18-cv-00525-RBL (W.D. Wash.
- 2 Apr. 9, 2018), *appeal filed*, No. 18-36015 (9th Cir. Dec. 6, 2018); and
- 3 • *Wilson v. Huuuge, Inc.*, No. 3:18-cv-05276 (W.D. Wash. Apr. 6, 2018), *appeal*
- 4 *filed*, No. 18-36017 (9th Cir. Dec. 6, 2018).” *Id.* at 1-2.

5 3. The Court further ordered the Parties to file a joint status report indicating the
6 status of this case within seven (7) days of the resolution of those appeals.

7 4. On December 20, 2019 the Ninth Circuit affirmed the Court’s denial of the
8 defendant’s motion to compel arbitration in *Wilson v. Huuuge Inc.* The Circuit’s mandate issued
9 on January 13, 2020.

10 5. On January 29, 2020, the Ninth Circuit affirmed the Court’s denial of the
11 defendant’s motion to compel arbitration in *Benson v. Double Down Interactive, LLC*. The
12 Circuit’s mandate issued on February 20, 2020.

13 5. The Parties now have differing views on the status of this case.

14 6. Plaintiff Sean Wilson believes that the stay **is now, or should be, lifted**. When
15 the Court stayed this case at Dkt. 85, it held that the “proceedings in this case are hereby
16 STAYED pending resolution of the appeals in the following related cases: *Benson v. Double*
17 *Down Interactive, LLC* [and] *Wilson v. Huuuge, Inc.*” Both appeals have now been resolved, and
18 the Court’s orders denying the respective defendants’ motions to compel arbitration were
19 affirmed. And to the extent that the stay has not been automatically lifted, Plaintiff believes that
20 the Court should enter an order lifting the stay, given that the Ninth Circuit’s orders in the
21 *Huuuge* and *Double Down* cases foreclose Playtika’s petition.

22 7. Defendants believe that the case **should continue to be stayed**. By order of July
23 17, 2019, the Court of Appeals acted on Playtika Ltd’s petition for interlocutory relief, staying
24 consideration of the petition until after it resolved the *Double Down Interactive* and *Huuuge*
25 appeals. Defendants expect that, now that those appeals have been decided, the Ninth Circuit
26 will return to the petition and decide whether to grant or deny it, after which either a continued

1 stay in this Court would remain appropriate (if the petition is accepted for consideration) or it
2 would not, in which case the parties would work together to propose a schedule for this Court's
3 consideration.

4 8. In the event this Court agrees with Plaintiff that the stay in this case is or should
5 be lifted, the parties jointly request that they be directed to propose to the Court an agreed
6 schedule or, if they cannot agree, their respective proposed schedules within [14] days of the
7 Court's direction.

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11 Dated: February 27, 2020

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